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Department of
Agriculture

Forest
Service

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Southwest
Region

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File Code: 1570

Objection No.: 14-05-00-0037-O219

Date: October 3, 2014

Richard Halsey
The California Chaparral Institute
P. O. Box 545
Escondido, CA 92033

CERTIFIED – RETURN
RECEIPT REQUESTED

Dear Mr. Halsey:

The Legal Notice of the objection period for the San Bernardino National Forest (SBNF) plan amendment Final Supplemental Environmental Impact Statement (FSEIS) was published on January 17, 2014. On March 18, 2014, I received your objection on the proposed amendment on behalf of The California Chaparral Institute. You were eligible to file an objection and your objection letter was timely.

This letter is my written response to your objections. As required by 36 CFR 219.56(g), “The Reviewing Officer must issue a written response to objector(s) concerning their objection(s) within 90 days following the end of the objection-filing period. However, the Reviewing Officer has the discretion to extend the time when he or she determines that additional time is necessary to provide adequate response to objections or to participate in resolution discussions with the objector(s).” Pursuant to 36 CFR 219.56(g) I chose to extend the response time by 60 days to accommodate objection resolution meetings with the objectors and interested persons and to provide adequate time to consider the concerns presented at the resolution meeting. In addition, due to the recent West Napa Earthquake resulting in the Regional Office being closed for five business days, the response period has been extended by an additional five business days.

Plan Amendment Summary

Land Management Plans (LMPs or forest plans) are required by the National Forest Management Act (NFMA) of 1976. They are an integrated document that describes the goals, objectives, and management direction for each component of the National Forest System. The four southern California national forests adopted revised Land Management Plans in April 2006.

The decision to adopt the forest plans was challenged in federal court by two parties in separate cases: one filed by the State of California (*California Resources Agency, et al vs. United States Department of Agriculture*), and the second by several environmental organizations (*Center for Biological Diversity, et al vs. United States Department of Agriculture*). The cases were consolidated, and on September 29, 2009, District Court Judge Marilyn Hall Patel entered judgment, granting in part and denying in part the parties’ motions for summary judgment. The



Court held that the Forest Service's Final Environmental Impact Statement (FEIS) for the revised forest plans violated the National Environmental Policy Act (NEPA) and the NFMA. On December 15, 2010, the parties finalized a settlement agreement determining the forms of relief. The settlement requires, in part, that:

The Forest Service will prepare a Supplemental Environmental Impact Statement ("SEIS") that re-examines forest plan management direction with regard to Inventoried Roadless Areas ("IRAs") within the Angeles, Cleveland, Los Padres and San Bernardino National Forest (collectively, "four forests") and analyzes alternative monitoring protocols. The SEIS will include a description of the Forest Service's efforts to coordinate with the State Plaintiffs regarding the State's policies for management of roadless areas. At the request of the Environmental Plaintiffs and the People of the State of California, the Forest Service will consider, at a minimum, the areas listed in Attachment A, or portions thereof, for potential rezoning to the Recommended Wilderness ("RW") or Back Country Non-Motorized ("BCNM") land use zones and the SEIS will include as a component of the proposed action, a proposal to rezone these areas, or portions thereof, to the RW or BCNM land use zones. Additional alternatives will also be considered as part of the NEPA process. The Forest Service will use best efforts to complete the SEIS and issue a Record of Decision within twenty-four months of the effective date of the Settlement Agreement.

The FSEIS for the southern California national forests LMP amendment was prepared in response to the settlement agreement requirements. The proposed amendments to the 2006 LMPs are limited in scope and designed to address only the terms of the settlement agreement.

The Responsible Official selected the land use zone amendment described in Alternative 2a, and the monitoring strategy amendment described in Alternative B. Alternative 2a is a modification of the preferred alternative published in the Draft SEIS, and both Alternatives 2a and Alternative B are described in more detail in Chapter 2 of the FSEIS. Alternative 2a will amend the SBNF LMP to change the zoning for approximately 10,000 acres across five Inventoried Roadless Areas (IRAs) from their existing land use zones (primarily Back Country (BC) and Back Country Motorized Use Restricted (BCMUR)) to Back Country Non-Motorized (BCNM), with an additional 470 acres of Recommended Wilderness (RW). There will be no change to the 18,200 acres currently zoned as RW. Alternative B amends the existing monitoring protocols by updating the monitoring questions and revising the process used to select projects for monitoring.

Changing the land use zones to BCNM and RW under Alternative 2a will also change the Recreation Opportunity Spectrum (ROS) and Scenic Integrity Objectives (SIO). As described in Chapter 4 of the FSEIS, in Tables 89 and 96, the ROS will change to Semi-Primitive Non-Motorized, and the SIO will change to High for areas zoned as BCNM, with a Primitive ROS and a High SIO applied to RW zones.

This plan level decision does not authorize any specific project activities such as vegetation management or road decommissioning, does not amend any permits or contracts or authorize any

activity allowed by permit or contract, and does not modify any prohibitions, known as “Forest Orders” issued under 36 CFR § 261 Subpart B. The decision is also consistent with the requirements of 36 CFR § 294 Subpart B, Protection of Inventoried Roadless Areas, also referred to as the Roadless Area Conservation Rule (RACR).

Objection Summary

In their objections, objectors asked to change the amendment in the following ways:

- 1) Reconsider the California Chaparral Institute’s recommendation to develop a baseline for the remaining old-growth stands of chaparral that includes historical analysis (California Chaparral Institute (CCI)).
- 2) 2.) Use best available science, including the work of Dr. Jack Cohen, to design fuels treatments near communities, in order to promote health of the chaparral community and provide cost-effective structure protection (CCI).
- 3) 3.) Consider revising the proposed decision to include more frequent monitoring and to adopt additional science-based monitoring protocols that will provide adequate information to managers regarding key resources in order to ensure resources are protected and adaptive management is utilized where needed (California Wilderness Coalition (CWC), California Native Plant Society (CNPS) & Center for Biological Diversity (CBD)).
- 4) Place the Cucamonga C IRA in the RW zone to better protect the upper reaches of Cucamonga Canyon (Sierra Club – San Geronio Chapter).
- 5) Place the Cucamonga C IRA in the RW zone. This will provide appropriate recognition for the area’s high wildlife, scenic, recreational and cultural values and create consistency between the two forests (Angeles National Forest and San Bernardino National Forest). (CWC, CNPS & CBD).

Resolution Meeting

On July 8, 2014 I sent you an email and a letter in an effort to convene a meeting to discuss your concerns about the SBNF0 plan amendment. A resolution meeting was held on August 12, 2014. At the meeting we discussed concerns including those regarding: uses allowed “by exception” in BCNM; Cucamonga C not being designated as RW; and concerns regarding monitoring intervals of five years. I appreciate the participation of the objectors and interested persons in the objection process in general, and in particular those that participated in the objection resolution meeting. I found our discussion to be helpful to understanding your concerns.

Objection Responses

Monitoring

Objection Issue Summary:

In general, the objector sees the monitoring alternative chosen in the SBNF’s decision as inadequate (CCI). The objector also states “the USFS’s rejection of our suggestion to develop a

baseline for the remaining old-growth stands of chaparral because it involved changing goals ... is not particularly compelling.”

Other objectors question the reporting interval of the monitoring. The objectors also state that the recommended monitoring changes were not incorporated into alternatives, and particularly in Alternative B, results in monitoring not based on “science-based recommendations” (CCI; CWC, CNPS & CBD).

Summary of Record Review Findings:

The SBNF appropriately applied the 1982 Planning rule requirements to “obtain and keep current inventory data appropriate for planning and managing the resources.” Baseline/inventory chaparral data exists for the SBNF and can be found in the 2006 SoCal LMP analysis. The SBNF has a clear, well-articulated strategy for the development of monitoring questions related to chaparral based on National Strategic Plan desired conditions and goals and objectives that will serve to inform an adaptive management process related to forest planning. No planning requirement exists for the development of a chaparral historical analysis.

SBNF also appropriately applied the 1982 Planning Rule monitoring and evaluation requirements for “periodic determination and evaluation of the effects of management practices...” (36 CFR 219.11 (d)); a quantitative estimate of performance; (36 CFR 219.12 (k)(1)); “documentation of the measured prescriptions and effects...” (36 CFR 219.12 (k)(2)); and “a description of ...the actions, effects, or resources to be measured, and the frequency of measurements” (36 CFR 219.12 (k)(4)(i)). Tables in Appendix 3 clearly display this required information. No particular periodicity of evaluation is required and the Forest used their discretion to determine that 5 years was an appropriate and cost effective reporting interval for trend analysis, supported by annual accomplishment and project level monitoring. This interval is the same interval as exists in the current LMP. In the FSEIS, the SBNF considered three monitoring alternatives including alternative C which provides for more intensive inventories and surveys than the current monitoring plan or alternative B. The SBNF considered a full range of alternatives, including additional monitoring into alternative B would create a less distinct range of alternatives.

Final Instructions:

Clarify that monitoring occurs annually, but that five year intervals are used for trend analysis.

NEPA

Objection Issue Summary:

Objectors are concerned about the use of best available science for fuels projects (CCI). Additional objections were raised specific to allowable management activities in IRAs that would impair roadless character (CWC; CWC, CNPS & CBD).

Summary of Record Review Findings:

Best Available Science: As stated in the Response to Comments, the issue related to use of best available science in project design is beyond the purpose of this amendment, which is to amend LMP land use zone allocations for select IRAs and to amend LMP monitoring and evaluation

protocols in response to the terms of the Settlement Agreement. The Forest Service has not rejected the objector's suggestion to use best available science, but rather has stated that the science suggested by the objector is more appropriately applied at the project level than at the Land Management Plan level. It is important to consider recent and emerging science on chaparral ecology and structure protection when choosing the best management strategies for these plant communities and the adjacent urban areas.

Development in IRAs: Although the objectors state that the Preferred Alternative (2a) would place 2,966 acres of Cucamonga C in the BC and Developed Area Interface (DAI) zones, this alternative assigns no DAI zone acres to Cucamonga C. Under the preferred alternative, Cucamonga C would include 37 acres of BC and 4,068 acres of BCNM for a total of 4,106 acres. Alternative 2a shifts nine acres from BCNM to BC the only change from the current zoning. This change results in fewer opportunities for development in the IRA than the objectors suggest. In addition to limitations imposed by BC or BCNM designation, development would be further limited by the restrictions of the RACR. SBNF LMP direction allowing road construction and reconstruction in IRAs is superseded by the RACR without further agency action, and Forest Service project decisions will be guided by LMP direction as modified by the RACR.

The LMP management intent for BCNM does not support the objector's claim that BCNM is "zoned for development." While the objector is concerned that activities allowed by exception would be common practice and would impair roadless character, this does not appear likely. Some activities that might occur by exception would be constrained by the RACR. Renewable energy projects would require ongoing road access for maintenance, and would thus be infeasible. Finally, no "by exception" activities would be authorized without project level analysis, which would require compliance with law, regulation, and policy as well as consistency with the LMP.

Final Instructions:

There are no instructions in response to these issues.

Wilderness & Roadless

Objection Issue Summary:

Some objectors disagree with the SBNF's decision to not recommend wilderness for the Cucamonga C IRA. One objector states: "We would like to explain why it is a grave error of the Forest Service's part not to recommend any wilderness for the Cucamonga C IRA...The adjacent Angeles National Forest deems their Cucamonga A IRA has recommended wilderness and just across the border the San Bernardino National Forest staff deems Cucamonga C as only warranting BCNM protection" (Sierra Club – San Geronimo Chapter).

Other objectors assert that describing Cucamonga C IRA as having "low wilderness values and characteristics" in the Draft ROD is not accurate and the objectors provides characteristics of the area that they believe indicate otherwise (CWC; CWC, CNPS & CBD).

Summary of Record Review Findings:

The SBNF appropriately applied FSH 1909.12, Chapter 70, evaluating areas for potential recommendation as wilderness by completing assessments of wilderness “capability”, “availability” and “need” for the Cucamonga C IRA. The evaluation in FSEIS Appendix 2 adequately describes the capability, availability, and need for Cucamonga C as RW. However, the rationale for the decision in the Draft ROD does not clearly reflect the evaluation described in Appendix 2. There is a clear connection between the evaluation in Appendix 2 and the Draft ROD that Cucamonga C offers limited opportunities for solitude and challenge. However, the Draft ROD did not clearly explain the rationale for concluding that Cucamonga C has “low wilderness values and characteristics, has uses that cannot be effectively managed as wilderness, and is not needed as part of the wilderness preservation system” based on the evaluation in Appendix 2 of the FSEIS. Portions of the evaluation appear to conflict with this rationale. Although some of the considered factors meet recommended wilderness criteria, it does not necessarily mean that Cucamonga C should be recommended as wilderness. There may be other higher priority factors that outweigh these characteristics and lead the decision maker to not recommend wilderness. However, a clearer connection between the evaluation in Appendix 2 of the FSEIS and the rationale in the Draft ROD should be made, including identifying any limiting factors that would preclude Cucamonga C from being recommended as wilderness.

Final Instructions to Responsible Official:

Review the rationale in the ROD for designating or not designating IRAs as RW and provide clarification where needed that supports and clearly connects to the IRA evaluation information provided Appendix 2 of the FEIS, including how those factors have influenced the final decision.

Instructions to Responsible Official

- 1) Review the rationale in the ROD for designating or not designating IRAs as RW, particularly the Cucamonga C IRA, and provide clarification where needed that supports and clearly connects to the information provided in the IRA evaluation in Appendix 2 of the FSEIS, including how those factors influenced the final decision.
- 2) Clarify in the ROD that the San Bernardino NF collects monitoring data every year, but that five year intervals are used to evaluate trends.

Conclusion

As described above, I made a reasonable and appropriate effort to resolve the concerns that were brought forward while maintaining a balanced approach to managing the lands and meeting the purpose of the amendment process.

By copy of this letter, I am instructing Forest Supervisor Jody Noiron to proceed with issuance of a Record of Decision for this amendment once all instructions identified in this objection response

have been addressed. There will be no further review of this response by any other Forest Service or U.S. Department of Agriculture official as per 36 CFR 219.57 (b)(3).

Sincerely,

/s/ Ronald G. Ketter

RONALD G. KETTER

Deputy Regional Forester

Reviewing Officer

cc: Cindy Buxton, Sierra Club, San Diego, Interested Person
Kay Stewart, CA Native Plant Society, SD, Interested Person
Mollie Bigger, Sierra Club, San Diego, Interested Person
Geoffrey Smith, Wilderness 4 All, Interested Person
Jody Noiron, San Bernardino NF, Forest Supervisor